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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,936	10/16/2003	John Danules	822103-1020	4592
24504	7590	03/30/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			RAO, G NAGESH	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/686,936		DANULES ET AL.	
	Examiner		Art Unit	
	G. Nagesh Rao		1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 2/28/05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 5-7 rejected under 35 U.S.C. 102(b) as being anticipated by Doyle (US Patent No. 4,248,811).

Doyle 811 teaches a device for the filling of tires with a polyurethane foam. Please note that the apparatus merely be capable of performing such a function since the material used in the apparatus is interpreted as a recitation of intended use.

The device of Doyle 811 as shown in figure 1 includes a standard structural frame which anticipates a cart, where there are a pair of stationary plates (12 and 13) which anticipate as a work surface, a mixer chamber (43) mounted to the frame which anticipates a mixer, a pair of supply lines (42 and 44) which read on supply lines for transferring the material from pumps (6 and 7) into the mixing chamber, and a supply line outlet (47) from the mixing chamber which can be fed into a tire valve stem opening.

Furthermore the teachings of Doyle 811 suggest the ability and means for drilling a hole into tire in allowing gas to escape (Col 5 Lines 19-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle (US Patent No. 4,248,811) in view of Bass (U.S. Patent No. 5,962,779).

Doyle 811 lacks the specific teaching of a weight scale as part of the device.

Bass 779 discloses various known art used in the method of weighing a tire including that of a weight scale.

Therefore claimed invention's workspace including a weight scale for weighing the tire would be obvious to one skilled in the art to ensure the weight of the tire has inflated properly with the foam resin material and reached its desire weight.

3. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle (US Patent No. 4,248,811) in view of Farkhan (U.S. Patent No. 6,293,762 B1)

As shown by the aforementioned Doyle 811 teaches a device for the filling of tires with a polyurethane foam.

However Doyle 811 lacks the specific teaching of the device to automatically control the amount of reactants mixed by the mixer.

As read in applicant's specification about the "means for automatically controlling the amount of reactants mixed by the mixer". In a method for sealing a tire, Farkhan 762 apparatus includes an electronic control system that is read on as analogous to the control system described in applicant's specification and would be capable of being modified and programmed to automatically control the amount of

reactants mixed by the static mixer (column 3 lines 55-67 and column 4 lines 1-47).

It would be obvious to one skilled in the art to modify Doyle 811 with the teachings of Farkhan 762 in an attempt to speed up production and processing time.

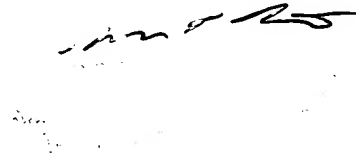
Finally applicant's claims read on as a kit claim i.e. "plurality of known articles" grouped together as a kit and provide no improvement towards the state of technology, deeming the invention obvious to one skilled in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (571) 272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR

A handwritten signature in black ink, appearing to be "J. M. S.", located in the lower right quadrant of the page.